

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD BANKS,

Petitioner,

v.

Civil No. 2:06-CV-14522

HONORABLE PATRICK J. DUGGAN

UNITED STATES DISTRICT JUDGE

MARY BERGHUIS,

Respondent,

**ORDER GRANTING PETITIONER'S MOTION TO DISMISS PETITION FOR
WRIT OF HABEAS CORPUS**

On October 16, 2006, Petitioner Ronald Banks ("Petitioner"), a state prisoner presently confined at the Earnest C. Brooks Correctional Facility in Muskegon Heights, Michigan, filed a *pro se* petition for the issuance of a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Presently before the Court is Petitioner's motion to dismiss the petition, in which he seeks to withdraw his petition while he fully exhausts his state court remedies. Because Respondent has not yet filed an answer, a motion for summary judgment, or any other response to the petition, Petitioner may dismiss his habeas corpus petition and the dismissal is without prejudice. *See* FED. R. CIV. P. 41(a)(1); Rule 11 of the Rules Governing Section 2254 Cases.

Accordingly,

IT IS ORDERED, that Petitioner's motion to dismiss the petition for writ of habeas corpus is **GRANTED** and the petition is **DISMISSED WITHOUT**

PREJUDICE.

Dated: February 26, 2007

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Ronald Banks, #225311
Earnest C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon Heights, MI 49444

Attorney General Mike Cox